



Open FAR Cases as of 4/19/2021

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Case Number	Part Number	Title	Synopsis	Status
2021-008		Amendments to the FAR Buy American Act Requirements	Implements section 8 of Executive Order 14005, Ensuring the Future Is Made in All of America by All of America's Workers, which requires the Council to consider certain changes to the acquisition regulations regarding the component test used to identify domestic end products and domestic construction materials, the threshold for the domestic content requirement, and the price preferences for domestic end products and domestic construction materials.	04/12/2021 DARC Director tasked Staff to draft proposed FAR rule. Report due 04/28/2021.
2021-007		(S) Maximum Award Price for Certain Sole Source Manufacturing Contracts	Implements section 864 of the NDAA for FY 2021 (Pub. L. 116-283), which amends the Small Business Act to modify the maximum award price for sole source manufacturing contracts to \$7 million for the 8(a), Women-Owned Small Business, Historically Underutilized Business Zone, and Service-Disabled Veteran-Owned Small Business programs.	04/07/2021 DAR staff notified FAR staff that DARC agreed to draft final FAR rule. Awaiting CAAC concurrence.
2021-006		(S) Prohibition on Requiring Disclosure of Political Contributions	Implements section 735 of Division E of Title VII of the Consolidated Appropriations Act, 2021 (Pub. L. 116-260), and similar sections in prior appropriations acts, which prohibit the Government from requiring an offeror to disclose, as a condition of its offer, any payments the offeror has made to a candidate for election for Federal office or to a political committee.	03/03/2021 DARC Director tasked Acquisition Strategy Team to draft proposed FAR rule. Report due 04/21/2021.
2021-005		(S) Disclosure of Beneficial Owner in Federal Contracting	Implement sections 885 and 6403 of the NDAA for FY 2021 (Pub. L. 116-283). Section 885 amends 41 U.S.C. 2313 to require the Federal Awardee Performance and Integrity Information System include identifying information on the beneficial owner of certain corporations. Paragraph (c) of section 6403 requires certain offerors to disclose beneficial ownership information in their offers for contracts over the simplified acquisition threshold.	04/19/2021 DARC Director tasked Ad hoc Team to draft proposed FAR rule. Report due 04/14/2021. Report due date extended to 04/28/2021.
2021-003		Update to Certain Online References in the FAR	Replaces FAR references to Federal Business Opportunities (FBO.gov) and Wage Determinations Online (WDOL.gov) with the System for Award Management (SAM.gov), as a result of their integration with and increased functionality of SAM.gov.	04/19/2021 DARC received draft final FAR rule from DAR staff. Will discuss on 04/28/2021.

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Case Number	Part Number	Title	Synopsis	Status
2021-001		Increased Efficiencies with Regard to Certified Mail, In-person Business, Mail, Notarization, Original Documents, Seals, and Signatures	Considers amendments to the Federal Acquisition Regulation to increase flexibilities and efficiencies with regard to certified mail, notarization, original documents, seals, in-person business, mail, and signatures through use of digital and virtual technology.	10/14/2020 DARC Director tasked Acquisition Environmental & Contract Management Team to draft proposed FAR rule. Report due 11/18/2020. Report due date extended to 04/21/2021.
2020-016	19, 52	Rerepresentation of Size and Socioeconomic Status	Implements the requirement in SBA's proposed rule (84 FR 60846, November 8, 2019) for rerepresentation of size and socioeconomic status for orders under multiple-award contracts.	09/09/2020 DARC Director tasked Acquisition Small Business (FAR) Team to draft proposed FAR rule. Report due 11/04/2020. Report due date extended to 04/21/2021.
2020-015		Business-case Analysis Requirements for Multi-Agency Contracts	Implements OMB Memo M-19-13, Category Management: Making Smarter Use of Common Contract Solutions and Practices, March 20, 2019.	09/22/2020 DARC Director tasked Acquisition Strategy Team to draft proposed FAR rule. Report due 10/21/2020. Report due date extended to 04/28/2021.
2020-014		(S) United States-Mexico-Canada Agreement	Implements the United States-Mexico-Canada Agreement (USMCA) and the United States-Mexico-Canada Agreement Implementation Act (Pub. L. 116-113)(FY20), which replaces the North American Free Trade Agreement (NAFTA. The Government Procurement Agreement at chapter 13 of the USMCA applies only to Mexico, so Canada is no longer a Free Trade Agreement country. Canada is still a designated country under the World Trade Organization Government Procurement Agreement.	04/12/2021 Draft proposed FAR rule from FAR analyst to OFPP. OFPP reviewing.
2020-013	19	(S) Certification of Women-Owned Small Businesses	Implements the statutory requirement for certification of businesses participating in the Women-Owned Small Business Program (section 825 of the National Defense Authorization Act for Fiscal Year 2015), as implemented by the Small Business Administration in its final rule published May 11, 2020 (85 FR 27650).	04/07/2021 Draft proposed FAR rule from FAR analyst to CAAC Legal. CAAC Legal reviewing.

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Case Number	Part Number	Title	Synopsis	Status
2020-012	19	(S) Scope of Review by Procurement Center Representatives	Implements section 1811 of the National Defense Authorization Act for Fiscal Year 2017 (15 U.S.C. 644(l)(9)(A)), as implemented by the Small Business Administration's final rule published November 29, 2019 (84 FR 65647).	03/17/2021 Draft proposed FAR rule from FAR analyst to OFPP. OFPP reviewing.
2020-011		(S) Implementation of FASC Exclusion Orders	Implements issued exclusion and removal orders authorized by section 1323 of the SECURE Technology Act (Pub. L. 115-390)(FY19), which created the Federal Acquisition Security Council (FASC) and authorized the Secretary of Homeland Security, the Secretary of Defense, and the Director of National Intelligence to issue exclusion and removal orders, upon the recommendation of the FASC. These orders are issued to protect national security by excluding certain covered products, services, or sources from the Federal supply chain.	01/27/2021 FAR staff notified DAR staff of CAAC differences from team report. DAR and FAR staff resolving open issues.
2020-010	27, 52, 6	Small Business Innovation Research and Technology Transfer Programs	Implements changes related to data rights in the Small Business Administration's Policy Directive for the Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR) Programs, published in the Federal Register on April 2, 2019 (84 FR 12794). Implements competition requirements unique to Phase III awards under the SBIR and STTR Programs.	04/01/2020 DARC Director tasked the Acquisition Law Team to draft proposed FAR rule. Report due 05/27/2020. Report due date extended to 05/12/2021.
2020-009	25.104	List of Domestically Nonavailable Articles	Implements the requirement at FAR 25.104(b) to publish the list of Domestically Nonavailable Articles in the Federal Register for public comment no less frequently than once every five years.	07/29/2020 DARC Director tasked Staff Level (FAR) Team to consider revisions to draft proposed FAR rule. Report due 11/25/2020. Report due date extended to 04/21/2021.
2020-008		(S) Prohibition on Criminal History Inquiries by Contractors Prior to Conditional Offer	Implements section 1123 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2020. Section 1123 amends 41 U.S.C. 4714 and 10 U.S.C. 2338 adding a new section 10 U.S.C. 2339, prohibiting criminal history inquiries by contractors prior to conditional offer.	01/23/2020 DARC Director tasked FAR Acquisition Law Team to consider revisions to draft proposed FAR rule. Report due 04/01/2020. Report due date extended to 04/28/2021.

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Case Number	Part Number	Title	Synopsis	Status
2020-007		(S) Accelerated Payments Applicable to Contracts with Certain Small Business Concerns	Implements section 873 of the NDAA for FY 2020. Section 873 amends 31 U.S.C. 3903(a) to require accelerated payment dates for small business prime contractors and prime contractors that subcontract with small business concerns.	03/29/2021 CAAC Legal concurrence with draft proposed FAR rule. FAR staff preparing to send to OFPP, pending GSA Administrator approval.
2020-005		(S) Explanations to Unsuccessful Offerors on Certain Orders Under Task- and Delivery-Order Contracts	Implements section 874 of the NDAA for FY 2020, which requires, when awarding a task or delivery order in an amount greater than the simplified acquisition threshold, not greater than \$5.5 million, contracting officers, upon written request from an unsuccessful offeror, to provide a brief explanation as to why the offeror was unsuccessful, including the rationale for award and an evaluation of the significant weak or deficient factors in the offeror's offer.	01/22/2020 DARC Director tasked Acquisition Strategy (FAR) Team to draft proposed FAR rule. Report due 03/18/2020. Report due date extended to 04/21/2021.
2020-004	16	(S) Application of Micro-purchase Threshold to Certain Task and Delivery Orders	Implements section 826 of the NDAA for FY2020 which increases the threshold for requiring fair opportunity on orders under multiple-award contracts from \$3,500 to the micro-threshold unless an exception applies. This change applies the word-based threshold to ensure continued alignment with any future changes to the thresholds.	03/17/2021 OFPP concurrence with draft final FAR rule. FAR staff preparing to send to OIRA.
2019-018	11, 17, 39, 4, 52, 7, 9	(S) Federal Acquisition Supply Chain Security Act of 2018	Implements the Federal Acquisition Supply Chain Security Act of 2018, which was part of the SECURE Technology Act, Pub. L. 115-390(FY19).	10/07/2020 DAR staff notified FAR staff that DARC agreed to draft proposed FAR rule. Awaiting CAAC concurrence.
2019-017		(S) Training to Prevent Human Trafficking for Certain Air Carriers	Implements section 111 of the Frederick Douglass Trafficking Victims Prevention and Protection Reauthorization Act of 2018 (Pub. L. 115-425)(FY19).	09/30/2020 FAR staff notified DAR staff of CAAC differences from team report or DARC suggested changes. DAR and FAR staff resolving draft proposed FAR rule open issues.

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Case Number	Part Number	Title	Synopsis	Status
2019-015	2, 22, 23, 25, 3, 33, 52, 9	Improving Consistency Between Procurement & Non-Procurement Procedures on Suspension and Debarment	Revisions to improve consistency between the procurement and non-procurement procedures on suspension and debarment, based on recommendations of the Interagency Suspension and Debarment Committee.	12/02/2020 DARC agreed to draft proposed FAR rule. DAR staff processing. Submitted for editor review on 12/3/2020; Editor review received 12/17/2020; Sent DARC approved version of the rule to GSA case manager 12/22/2020.
2019-014		(EO) Strengthening America's Cybersecurity Workforce	Implements Executive Order 13870 of May 2, 2019, America's Cybersecurity Workforce, which directs agencies to incorporate the NICE Framework lexicon, taxonomy and reporting requirements into contracts for information technology and cybersecurity services.	04/23/2020 DAR staff notified FAR staff of DARC differences from Team report or CAAC suggested changes. DAR and FAR staff resolving draft proposed FAR rule open issues.
2019-009	1, 13, 39, 4, 52	(S) Prohibition on Contracting with Entities Using Certain Telecommunications and Video Surveillance Services or Equipment	Implements paragraph (a)(1)(B) of section 889 of the NDAA for FY 2019 which prohibits procurement from entities using covered equipment and services from Huawei Technologies Company, ZTE Corporation, Hytera Communications Corporation, Hangzhou Technology Company or Dahua Technology Company, to include any subsidiaries or affiliates.	10/26/2020 DARC Director tasked Acquisition Technology & Information FAR Team to review public comments, draft final FAR rule. Report due 05/12/21.
2019-008	19, 52	Small Business Program Amendments	Implements regulatory changes proposed by the Small Business Administration (83 FR 62516) regarding small business programs. The proposed regulatory changes include the timing of the determination of size status for multiple-award contracts for which price is not evaluated at the contract level; the grounds for size status protests; and the grounds for socioeconomic status protests.	04/15/2021 CAAC Legal concurrence with draft proposed FAR rule. FAR staff preparing to send to OFPP, pending GSA Administrator approval.
2019-007	19, 2, 52	Update of Historically Underutilized Business Zone Program	Implements regulatory changes proposed by the Small Business Administration (83 FR 54812) regarding the Historically Underutilized Business Zone (HUBZone) Program. The proposed regulatory changes are intended to reduce the regulatory burden associated with the HUBZone Program.	03/22/2021 OFPP concurrence with draft proposed FAR rule. FAR staff preparing to send to OIRA.

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Case Number	Part Number	Title	Synopsis	Status
2019-004	19.7, 42.15, 52	(S) Good Faith in Small Business Subcontracting	Implements section 1821 of the NDAA for FY 2017 (Pub. L. 114-328) and SBA implementing regulations. Section 1821 requires SBA to provide examples of activities that would be considered a failure to make a good faith effort to comply with a small business subcontracting plan.	03/31/2021 Draft final FAR rule from FAR analyst to OFPP. OFPP reviewing.
2019-003	5.2, 7.1	(S) Consolidation and Substantial Bundling	Implements section 863 of the NDAA for FY 2016 (Pub. L. 114-92) and SBA implementing regulations. Section 863 requires publication of notices concerning consolidation and substantial bundling of contract requirements.	03/26/2021 Draft final FAR rule from FAR analyst to OFPP. OFPP reviewing.
2019-001		(S) Analysis for Equipment Acquisitions	Implements section 555 of the Federal Aviation Administration Reauthorization Act for FY 2018 (Pub. L. 115-254)(FY19), which requires equipment to be acquired using the method of acquisition (including short-term and long -term rentals) most advantageous to the Government based on a case-by-case analysis of costs and other factors.	03/17/2021 OFPP concurrence with draft final FAR rule. FAR staff preparing to send to OIRA.
2018-024	52.251-2	Use of Interagency Fleet Management System Vehicles and Related Services	Amends FAR clause 52.251-1, Interagency Fleet Management System Vehicles and Related Services, to provide contractors that have been authorized to use fleet vehicles with additional information on how to request the vehicles from the Government.	09/23/2019 Case on hold, pending update of 41 CFR 101-39.
2018-020	19, 36, 43, 52	(S) Construction Contract Administration	Implements section 855 of the NDAA for FY 2019. Section 855 requires, for solicitations for construction contracts anticipated to be awarded to a small business, notification to prospective offerors regarding agency policies or practices in complying with FAR requirements relating to the timely definitization of requests for equitable adjustment and agency past performance in definitizing such requests.	06/24/2020 DARC Director tasked Acquisition Environmental and Contract Management Team to review public comments, draft final FAR rule. Report due 08/12/2020. Report due date extended to 04/21/2021.
2018-018		(S) Revision of Definition of "Commercial Item"	Partially implements section 836 of the NDAA for FY 2019 (Pub. L. 115-232). Section 836 separates the "commercial item" definition into definitions of "commercial product" and "commercial service." Section 836 set the effective date of the new definitions to January 1, 2020.	04/14/2021 DAR staff notified FAR staff that DARC agreed to draft final FAR rule. Awaiting CAAC concurrence.

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Case Number	Part Number	Title	Synopsis	Status
2018-017	1, 12, 13, 39, 4, 52	(S) Prohibition on Certain Telecommunications and Video Surveillance Services or Equipment	Implements paragraph (a)(1)(A) of section 889 of the NDAA for FY 2019 which prohibits the procurement of covered equipment and services from Huawei Technologies Company, ZTE Corporation, Hytera Communications Corporation, Hangzhou Technology Company or Dahua Technology Company, to include any subsidiaries or affiliates.	04/20/2020 DARC Director tasked FAR Technology Team to review public comments, draft final FAR rule. Report due 07/01/2020. Report due date extended to 04/28/2021.
2018-014	8, 13, 15, 38	(S) Increasing Task-order Level Competition	Implements section 876 of the NDAA for FY 2019 (Pub. L. 115-232). Section 876 amends 41 U.S.C. 3306(c) by providing an exception to the requirement to consider price as an evaluation factor for the award of certain indefinite-delivery, indefinite-quantity contracts and Federal Supply Schedule contracts.	08/22/2018 DARC Director tasked Acquisition Strategy Team to draft proposed FAR rule. Report due 10/17/2018. 11/30/2018, Case transferred to FAR Acquisition Environmental and Contract Management Team. Report due date extended to 05/26/2021.

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Case Number	Part Number	Title	Synopsis	Status
2018-013		(S) Exemption of Commercial and COTS Item Contracts from Certain Laws and Regulations	Implements section 839(a) of the NDAA for FY 2019 and section 849(a) of the NDAA for FY 2018. Section 839(a) of the NDAA for FY 2019 requires a review of FAR Council determinations not to exempt contracts and subcontracts for commercial products, commercial services, and commercially available off-the-shelf items from certain laws and propose revisions to the FAR to provide an exemption from each law subject to such determination unless the FAR Council determines that there is a specific reason not to provide the exemption pursuant to 41 U.S.C. 1906 or the Administrator for Federal procurement Policy makes the comparable determination pursuant to 41 U.S.C. 1907. Section 849 (a) of the NDAA for FY 2018 required the same review by the Department of Defense. Also implements paragraphs (b) and (c) of section 839 of the NDAA for FY 2019. Paragraph (b) requires the FAR Council to review the FAR to assess every regulation that requires a specific clause in contracts for commercial products or commercial services, unless the regulation is required by law or Executive Order. Paragraph (b) also requires that revisions to the FAR be proposed to eliminate those regulations unless the FAR Council makes a determination not to eliminate a regulation. Paragraph (c) requires assessment of every regulation that requires a prime contractor to include specific clause in subcontracts for commercially available off-the-shelf items, unless the clause is required by law or Executive Order. Paragraph (c) also requires that revisions to the FAR be proposed to eliminate those regulations unless the FAR Council makes a determination not to eliminate a regulation. Paragraphs (b) and (c) require these revisions to be proposed within one year of the date of the enactment of section 839. FAR case 2018-019 was rolled into this case.	02/19/2020 DAR staff notified FAR staff that DARC agreed to draft proposed FAR rule. Awaiting CAAC concurrence.

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Case Number	Part Number	Title	Synopsis	Status
2018-012	27, 52	Rights to Federally Funded Inventions and Licensing of Government-Owned Inventions	Implements the change to 37 CFR Parts 401 and 404, Rights to Federally Funded Inventions and Licensing of Government Owned Inventions, dated 14 May 2018. The change reduces regulatory burdens, provides greater clarity to large businesses by codifying the applicability of Bayh-Dole as directed in Executive Order 12591, and provides greater clarity to all federal funding recipients by updating regulatory provisions to align with provisions of the Leahy-Smith America Invents Act in terms of definitions and time frames.	05/15/2019 DAR staff notified FAR staff that DARC agreed to draft proposed FAR rule. Awaiting CAAC concurrence.
2018-006		(S) Definition of "Subcontract"	Implements section 820 of the NDAA for FY 2018. Section 820 amends 41 U.S.C. 1906(c)(1) to change the definition of "subcontract" in certain circumstances. Implements a new approach to the prescription and flowdown for provisions and clauses applicable to acquisitions of commercial items or acquisitions that do not exceed the simplified acquisition threshold.	11/05/2019 DAR staff notified FAR staff that DARC agreed to draft proposed FAR rule. Awaiting CAAC concurrence.
2018-003	19, 42, 52	(S) Credit for Lower-Tier Small Business Subcontracting	Implements section 1614 of the NDAA for FY 2014, as implemented in the SBA regulations on 12/23/2016 (81 FR 94246), which allows prime contractors to receive credit toward goals in their small business subcontracting plans for subcontracts awarded by their subcontractors.	01/08/2020 Case on hold pending publication of a proposed rule by SBA.
2017-019	15, 19, 2, 52, 9	Policy on Joint Ventures	Implements regulatory changes regarding joint ventures made by the Small Business Administration (SBA) in their final rule published in the Federal Register on July 25, 2016 (81 FR 48558). Also clarifies that 8(a) joint ventures are not "certified" in the 8(a) Program and that 8(a) joint venture agreements must be approved by SBA prior to award of an 8(a) contract.	04/12/2021 DARC received Acquisition Small Business Team draft final FAR rule DAR staff. Will discuss on 04/28/2021.
2017-016	11, 12, 2.1, 27, 35, 4, 52, 7	Controlled Unclassified Information	Implements the National Archives and Records Administration (NARA) Controlled Unclassified information (CUI) program of E.O. 13556. As the executive agent designated to oversee the Governmentwide CUI program, NARA issued implementing regulations in late 2016 to address agency policies for designating, safeguarding, disseminating, marking, decontrolling, and disposing of CUI.	02/27/2019 DAR staff notified FAR staff that DARC agreed to draft proposed FAR rule. Awaiting CAAC concurrence.

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Case Number	Part Number	Title	Synopsis	Status
2017-014	1, 52	Use of Acquisition 360 to Encourage Vendor Feedback	Implements the OFPP memorandum "Acquisition 360--Improving the Acquisition Process through Timely Feedback from External and Internal Stakeholders" (March 2015), which builds on OFPP efforts to increase communication between Government and industry. Acquisition 360 is a survey tool with a centralized survey portal on the OMB Survey platform, allowing for real time data access by OMB and agencies.	12/23/2020 DARC Director tasked Staff Level to review public comments, draft final FAR rule. Report due 03/17/2021. Report due date extended to 04/21/2021.
2017-013	12, 2.1, 24, 39, 4, 42, 52.224, 7	Breaches of Personally Identifiable Information	Implements OMB Memorandum M-17-12, Preparing for and Responding to a Breach of Personally Identifiable Information (January 3, 2017). The guidance applies to PII breaches occurring in cyberspace or through physical acts. This case will provide for appropriate contract terms to apply when a contractor has access to, creates, collects, or maintains personally identifiable information on behalf of the agency or operates an information system on behalf of the agency that may have personally identifiable information residing in or transiting through the information system.	04/16/2021 OFPP concurrence with draft proposed FAR rule. FAR staff preparing to send to OIRA.
2017-011	10.001, 11.002, 12.2, 2.101, 39, 7.103	Section 508-Based Standards in Information and Communication Technology	Implements the U.S. Access Board's final rule updating section 508-based standards, published in the Federal register on 1/18/2017 (82 FR 5790).	03/18/2021 OFPP concurrence with draft final FAR rule. FAR staff preparing to send to OIRA.
2017-005	3.9, 31.205-47, 31.6, 52.203-17, 52.212-5, 52.244-6	(S) Whistleblower Protection for Contractor Employees	Implements Public Law 114-261(FY17), which makes permanent the pilot program to enhance whistleblower protection for contractor employees.	09/27/2019 DoD, GSA, NASA, and OFPP resolving issues, final rule.
2016-011	19, 52	(S) Revision of Limitations on Subcontracting	Implements SBA's final rule (81 FR 34243) for section 1651 of the NDAA for FY 2013 (Pub. L. 112-239), which revised the limitations on subcontracting and the nonmanufacturer rule. Also implements SBA's regulatory clarifications concerning application of the limitations on subcontracting, nonmanufacturer rule, and size determination of joint ventures.	01/06/2021 Final rule to FARSEC for preparation of FAC.
2016-005	1.102-2, 10.001, 10.002	(S) Effective Communication between Government and Industry.	Implements section 887 of the NDAA for FY 2016 (Pub. L. 114-92), which provides that agency acquisition personnel are permitted and encouraged to engage in responsible and constructive exchanges with industry.	12/12/2019 Draft final FAR rule from FAR analyst to OFPP. OFPP reviewing.

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Case Number	Part Number	Title	Synopsis	Status
2016-002	19, 2	Applicability of Small Business Regulations Outside the United States	Considers applicability of small business regulations to contracts performed outside the United States.	08/19/2020 Draft final FAR rule from FAR analyst to OFPP. OFPP reviewing.
2015-038	12, 13, 17.8, 2.101, 52.217, 8.4	Reverse Auction Guidance	Implements OFPP memorandum, "Effective Use of Reverse Auctions." The memorandum provides guidance on the usage of reverse auctions, and was issued in response to recommendations within GAO report (Reverse Auctions: Guidance is Needed to Maximize Competition and Achieve Cost Savings, GAO-14-108).	03/02/2021 DARC Director tasked Acquisition Strategy Team to review public comments, draft final FAR rule. Report due 04/28/2021.
2015-014	25.303, 3.7, 42.1503, 52.225	(S) Prohibition on Providing Funds to the Enemy	Implements sections 841, 842, and 843 of the NDAA for FY 2015 (Pub. L. 113-291, as amended by section 822 of the NDAA for FY 2020 (Pub. L. 116-92)). Section 841 prohibits providing funds to the enemy. Section 842 provides additional access to records. Section 843 provides definitions.	04/15/2015 DAR staff notified FAR staff that DARC agreed to draft proposed FAR rule. Awaiting CAAC concurrence.